

City of Ellsworth

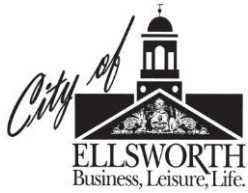
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Chapter 56

Unified Development Ordinance

Article 8

Performance Standards



Amended November 19, 2012

Amended March 17, 2014

Amended April 19, 2016

Amended May 21, 2018

Amended April 20, 2020

[Amended X X, 2022](#)

ARTICLE 8 PERFORMANCE STANDARDS

801 GENERAL PERFORMANCE STANDARDS

801.1 Applicability. Notwithstanding any other requirements, all development must meet the minimum performance standards set forth in this section.

801.2 Site Conditions.

- A. During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition, which could lead to personal injury, or property damage shall be immediately corrected by the developer upon an order by the Code Enforcement Officer or other authorized personnel. The developer shall make provisions for disposal of oil and grease from equipment, and the site area should be regularly treated to control dust from construction activity.
- B. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit.
- C. No change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved site development plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval of the Code Enforcement Officer.

801.3 Dust, Fumes, Vapors, Gases, Odors, Glare, and Explosive Materials.

- A. Emission of dust, dirt, fly ash, fumes, vapors or gases, which could damage human health, animals, vegetation or property or which could soil or stain person or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall be prohibited.
- B. No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, measured either at ground or habitable elevation.

801.4 Oil and Chemical Storage. All above ground outdoor storage facilities for fuel, chemicals, chemical or industrial wastes and potentially harmful raw materials shall be located on reinforced cement and shall be completely enclosed by an impervious dike monolithically poured, which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a 50-year storm event, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating fuel and diesel fuel shall be exempted from this requirement.

801.5 Buffers and Screening Standards.

- A. Buffers in the form of fences, landscaping, berms and mounds shall be required to minimize any adverse impacts or nuisance on the site or on adjacent properties.
- B. Buffers shall be considered in the following areas and for the following purposes:
 - i. Along property lines, to shield various uses from each other;
 - ii. Along service or site roads running parallel to roads exterior to the site, to prevent confusion, particularly at night;
 - iii. Parking lot, garbage collection areas, and loading and unloading areas; and
 - iv. To block prevailing wind patterns and to stop wind-borne debris from leaving the site.
- C. Buffers shall be sufficient to shield structures and uses from the view of incompatible abutting properties and public roadway, and to otherwise prevent any nuisances.
- D. Exposed storage areas, service areas, exposed machinery installation, sand and gravel extraction operations, truck-loading areas, utility buildings and structures, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and similar accessory areas and structures, shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize their adverse impact on other land uses within the development site and surrounding properties, such as a stockade fence or a dense evergreen hedge 6 feet or more in height.
- E. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.

- F. Natural features shall be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties and public roadways. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be considered.
- G. Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires 3 rows of staggered plantings. The rows should be 5 feet apart and the evergreens planted 4 feet on center.
- H. Fencing and screening shall be durable and properly maintained at all times by the owner.
- I. Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.
- J. All buffer areas shall be maintained in a neat and sanitary condition by the owner.
- K. Buffers shall not obstruct or conceal Fire Department access to sprinkler and/or standpipe connections for fire protection.

801.6. Stormwater Runoff.

- A. All new construction and development shall be designed to minimize stormwater runoff from the site in excess of the natural pre-development conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwater.
- B. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

802 BACKYARD LIVESTOCK

802.1 Purpose. Ensure that non-commercial housing of livestock in urban backyards and on small lots does not create a nuisance to neighbors and the animals remain healthy. Livestock are generally accepted outdoor farm animals (i.e. cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats and dogs, and other house pets.

802.2 Applicability. As defined for each type of animal. All housing of animals is prohibited from the Business Park and the Commerce Park zoning districts.

802.3 General.

- A. No owner shall allow or permit livestock to be at large meaning to be found in any place other than the property of the owner of the animals.
- B. Removal of feces should be hygienic and prompt.
- C. All animal open enclosure must be at least 50 feet from water bodies.

802.4 Standards for Chickens and Other Poultry.

- A. Roosters are prohibited from the Ellsworth Urban Core Area.
- B. Within the Downtown Zoning Districts chickens must be kept in a chicken coop and/or run.
- C. All chicken coops and run shall be located at least 20 feet from any side and rear lot line of the lot on which it is located, and 50 feet from all windows and doors of dwellings that are located on an abutting property.

802.5 Standards for Pigs, Horses, Cows, and Others.

- A. It shall be unlawful for any person to keep or maintain any horse, cow, goat, sheep, or other livestock unless such animal is kept within an enclosure located within a minimum of 200 feet of any dwelling, except the dwelling of the owner of such animals.
- B. All livestock pens, stables, and enclosures shall be kept in a clean and sanitary condition, shall provide enough space for the number of animals is houses and shall be open to inspection by the Code Enforcement Officer.
- C. No person shall allow the livestock to run at large.

803 SHOPPING CENTER - BIG BOX

803.1 Applicability. This section shall apply to Big Box Stores as defined.

803.2 Facade. Developments with facade over 100 feet in linear length shall incorporate wall projections or recesses a minimum of 3 foot depth and a minimum of 20 contiguous feet within each 100 feet of facade lengths and shall extend over 20% of the facade. Display windows, entry areas, awning, etc shall be used along at least 60% for the facade.

803.3 Roof. Roof lines shall be varied with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, gable roof, hip roofs, dormers, etc. shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs may be acceptable.

803.4 Pedestrian flows.

- A. Walkways shall be provided from the public sidewalk or right-of-way to the principal entrance(s) of all principal buildings on the site.
- B. At a minimum, walkways shall connect focal point of pedestrian activity such as, but not limited to, street crossing, building and store entry points.
- C. Walkways shall be provided along the full length of the building along any facade featuring a customer entrance.

804 ACCESSORY USES AND STRUCTURES (NON-RESIDENTIAL)

804.1 Purpose. To provide standards for the establishment of non-residential accessory uses and structures.

804.2 Applicability. This article applies to any subordinate use of a building or other structure, or use of land that is:

- A. Conducted on the same lot as the principal use to which it is related; and
- B. Clearly incidental to, and customarily found in connection with, the principal use or structure.

804.3 Standards and requirements. The location of permitted accessory uses or structures is governed by the same dimensional regulations as set forth for the principal uses or principal structure(s) in Article 3 Zoning Districts.

805 ACCESSORY DWELLING

805.1 Purpose. To provide the opportunity for owners of single family detached dwellings to develop a small detached dwelling unit without having to meet the minimum lot area requirement.

805.2 Applicability. This Article applies to any accessory dwelling unit that is located in a building that is not attached to the principal dwelling.

805.3 Number Permitted. Only one accessory dwelling unit is permitted per lot.

805.4 Size.

- A. The gross floor areas of an accessory dwelling unit shall not exceed 50% of the principal building's floor area.
- B. Each dwelling unit shall be a minimum of 500 square feet.

806 CAMPGROUNDS

806.1 Purpose and Applicability. This Section is to establish standards for campground construction and maintenance that promote public health, safety and welfare and shall apply to all campground construction in the City of Ellsworth. ~~A campground is a business, public or private establishment operated as a recreational site for tents, campers, trailers, and travel trailers, or other forms of temporary shelter.~~

806.2 Administration. This Section shall be administered according to all administrative and legal provisions of the City of Ellsworth Chapter ~~49 Land Use~~ [56 Unified Development Ordinance](#).

806.3 Date. This Section shall be effective immediately after passage by the City Council.

806.4 Application. Permits required for development under this Section shall be administered according to provisions of the Ellsworth Chapter ~~49 Land Use~~ [56 Unified Development Ordinance](#).

806.5 Management. The management of the campground shall be responsible for operating the premises in accordance with all City and State regulations. The maintenance of all open space areas, roads, and utilities in a park shall be the responsibility of its management.

806.6 Occupancy No campsite shall be used as a permanent dwelling place. Permanent occupancy of a dwelling in the campground shall only be allowed for the purpose of housing the owner and/or caretaker of the campground.

806.7 General Design Standards. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and those following in this Section. In cases of conflict, the stricter rules shall apply.

806.8 Location and Size. All campgrounds shall be located on a well drained site properly graded to insure rapid drainage and freedom from stagnant pools of water. Campgrounds shall be located on a parcel not less than 2 acres in size.

806.9 Recreation Area. No less than 10% of the total developed area of any campground shall be devoted to common recreational areas with facilities, such as playgrounds, trails,

swimming pools or community buildings on suitable land for the stated purpose. Areas designated as vegetated buffers do not count toward the minimum recreation area.

806.10 Accessways. Campground accessways serving fewer than ten camp sites are exempt from City of Ellsworth Chapter 56, Article 9 Street Design and Construction Standards. All accessways shall be constructed to allow safe vehicular access and to minimize erosion.

806.11 Landscaping. Wooded areas and individual trees shall be preserved where practical. Vegetative cover such as grass shall be provided for land area not paved, graveled or occupied by a structure. Other planting shall be established to create an attractive setting for campsites, promote privacy, minimize glare, and provide shade.

806.12 Buffer Strips. Campgrounds shall be designed to provide a vegetated buffer of at least 50 feet deep between the front boundary of the park and campsites and 25 feet deep between campsites and the side and rear boundaries of the park.

806.13 Screening. Fuel tanks, bottled gas, dumpsters and other utility structures shall be placed in such a way that they are screened and protected from roadways.

806.14 Utilities. All utilities shall be designed by a licensed civil engineer in the State of Maine to applicable state and local codes, installed and maintained by the campground owner.

806.15 Water Supply. Water supply to campgrounds shall conform to the rules of the Department of Human Services, relating to tent and recreational vehicle parks and wilderness recreational parks. A Campground located within 200 feet of a public water main shall provide a water system connected into the public system.

806.16 Fire Protection. Water supplies for firefighting shall comply Chapter 4 Fire Prevention and Protection Ordinance Section 7.

806.17 Toilet Facilities. Campgrounds serving primitive campsites (those without self-contained camper units with sanitary hook-ups) shall have adequate toilet facilities in compliance with applicable State plumbing Codes.

806.18 Wastewater Disposal. Sewage disposal plans shall be designed by a licensed civil engineer in full compliance with the requirements of the Maine Subsurface Wastewater Disposal Rules. A campground located within 500 feet of a public sewer system shall connect into the public system, per Ellsworth Chapter 5 Sewer Ordinance.

806.19 Stormwater. A campground shall provide a surface water drainage system conforming to applicable provisions of City of Ellsworth Code of Ordinance, Article 10 Stormwater Management Design and Construction Standards.

806.20 Campfires. Open fires shall be permitted only in areas designated on the plan of said park as cooking areas. Facilities for such fires must meet the approval of the City Fire Chief with respect to their location and construction.

806.21 Rubbish Disposal. Adequate containers with tight fitting covers shall be provided by the campground operator or other means approved by the Code Enforcement Officer.

807 SITING FACILITIES POSING RISKS TO DRINKING WATER

Siting of aboveground and underground oil storage tanks and other facilities that pose a significant risk to drinking water shall comply with 38 MRSA §1391 through §1399 - An Act to Prevent Contamination of Drinking Water Supplies and Maine DEP Chapter 692 (Siting of Oil Storage Facilities) and Chapter 700 (Siting of Facilities that Poses a Significant Threat to Drinking Water).

The State of Maine prohibits the installation of new aboveground oil storage tanks (AST) facilities, such as motor fuel storage facilities and bulk fuel plants, in areas where an installation is likely to pose a threat to drinking water. The State specifically prohibits: new ASTs within the source protection area of a public drinking water well, or within 1000 feet of the public water well (whichever is greater) and new ASTs within 300 feet of a private well (except for a private water supply well located on the same property as a facility and serving only that facility); and new ASTs within a significant sand and gravel aquifer mapped by the Maine Geological Survey. Both AST and underground storage tank (UST) facilities have to comply with the same siting requirements. These siting restrictions also apply to new automotive graveyards, automobile body and maintenance repair shops, dry cleaners using perchloroethylene, metal finishing or plating facilities and commercial hazardous waste facilities located in wellhead protection zones.

808 SEWER AND WATER CONNECTIONS

808.1 Sewer. Comply with Chapter 5 Sewer Ordinance.

808.2 Water. After the effective date of adoption of this ordinance, any property which is developed for commercial, institutional or industrial use or any existing commercial, institutional or industrial building which is enlarged more than fifty percent (50%) and which contains any plumbing fixtures, as that term is defined in the Maine State Plumbing Rules, is required to connect all such fixtures to the public supply, provided that said public supply is located within 500 feet of the developed property. All properties which connect to a public system pursuant to this section shall within thirty (30) days of said connection be disconnected from any private system, and no subsequent connection to a private system shall be made.

809 ESSENTIAL SERVICES FACILITIES

809.1 Setbacks: Minimum building setback is 50 feet.

809.2 Outdoor storage. Prohibited in the Downtown (D) and Neighborhood (N) zoning districts.

809.3 Landscaping Buffer. The lot is suitably landscaped to provide an adequate buffer and soften the appearance. The landscaped buffer shall be 160 plant units per 100 linear feet of frontage; one shade tree equals five plant units, one evergreen or ornamental tree equals five plant units, and each shrub equals one plant unit. The landscape buffer may be comprised in all or in part of natural vegetation. This section applies to all zoning districts with the exception of the Industrial (I) zoning district.

810 OPIOID TREATMENT PROGRAM (i.e. METHADONE CLINICS)

810.1 Applicability. Any opioid treatment program (OTP) registered under 21 U.S.C. 823(g) shall comply with following requirements:

1. Approved by the Planning Board as a Conditional Use regardless of size;
2. Be part of an acute care hospital's main campus (hospital based clinic);
3. Be only one OTP per acute care hospital;
4. Be restricted to a maximum of 30 patients - active case load at any one time for the entire OTP; and
5. OTP cannot operate in part of in whole out of a mobile unit.

811 HEIGHT LIMITS

The height limits required by this ordinance shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, transmission towers, chimneys, conveyors, derricks, radio and television towers, and similar structures not intended for human occupancy.

812 EXTERIOR LIGHTING

812.1 Purpose. The purpose of this Article is to provide for outdoor lighting that will:

Allow appropriate outdoor lighting levels for nighttime safety, security, productivity, and enjoyment of property; and

Control glare, promote dark sky initiatives, and reduce light trespass by limiting outdoor lighting that is misdirected, excessive or unnecessary.

812.2 Applicability.

- A. All new outdoor lighting fixtures shall meet the requirements of this Article with the exception of maintenance work.
- B. Some types of outdoor lighting are exempt from meeting the requirements of this Article per section 812.7.

812.3 Lighting Plan Submittal Contents. When outdoor lighting is part of an application to the Ellsworth Planning Board or part of a project located within the Business and Technology Park Zone the applicant shall submit a Lighting Plan for all proposed outdoor lighting to include the following items:

- A. General information including: title block; north arrow; area in square footage specified for each lot, structure and large feature; property lines; scale; topography; and types of abutting uses.

The location of all existing and proposed outdoor lighting fixtures.

The location of all proposed outdoor lighting fixtures in relation to other existing or proposed site features to include, but not limited to, parking lots, walkways, buildings and structures, signs, trees and shrubbery.

Lighting details for each style of lighting fixture including full model number, reflectors, poles, lamp type, optics selected and mounting shown on the side of the Lighting Plan or submitted as “marked up cut sheets.”

A photometric plan that indicates the initial light intensity in foot-candles every 5 feet minimum for the site property out to 10 feet beyond the property line for operational hours and in contour lines showing the contribution of light fixtures. Also submit a table of foot-candle data to include minimum, maximum, and averages for the calculated areas as identified in Table 812.5 Maintained Illumination Levels Measured in Foot Candles at Grade.

Other information, as deemed necessary by the Administrator.

812.4 Required Number of Submittal Copies:

- A. **CEO-Approved project.** The applicant shall submit two copies of all material to the Code Enforcement Office.
- B. **For Planning Board-approved project.** The applicant shall submit 13 copies of all material to the City Planner or designee.

812.5 Lighting Standards

- A. **Light Nuisance.** All outdoor lighting shall be located, shielded, and maintained so as not to constitute a hazard or nuisance to the traveling public or neighbors. Glare shall be avoided and light trespass minimized to less than 0.1 foot-candles.
- B. **Contrast.** Employ evenly distributed transitional light levels which are consistent with the surrounding area to minimize contrast between lit areas and dark surroundings.

- C. **Fixture Cut-Off.** Full cut-off lighting fixtures are required for all outdoor walkways, parking lots, canopy and building/wall mounted lighting, and all lighting fixtures located within those portions of structures which contain exterior walls that are not fully enclosed between the floor and ceiling. Full cut-off lighting fixtures emit no light at or above the horizontal plane as measured at the light source. Fixtures meeting the full cutoff requirement, as defined by the Illumination Engineering Society (IES), shall be indicated on the cut sheet or lighting plan submitted.
- D. **Maintained Illumination Levels.** In order to minimize glare, potential hazardous conditions, provide for security and safety outdoor lighting illumination levels shall meet the requirements set forth in Table 812.5 for any use permitted in this Article.

Foot-candle: A measure of light falling on a surface. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. Foot-candle measurements shall be made with a photometric light meter three feet above the ground.

Table 812.5				
Maintained Illumination Measured in Foot-Candles				
Areas/Uses-Activities		Maximum At Any Point*	Average Maximum At Any Point*	Minimum at Any Point*
Inside the Urban Core Area	Parking Lots	10	2	0.5
	Active Building Entrance	20	15	10
	Walkways/sidewalks on private land	10	2	0.5
	Under Service Station Canopies	20	10	5
	Vehicular Sale Display	20	10	5
	Externally Illuminated Sign Surface	10	2	NA
Inside the Growth Area but outside the Urban Core Area	Parking Lots	5	1	0.2
	Active Building Entrance	15	12	8
	Walkways/sidewalks on private land	5	1	0.2
	Under Service Station Canopies	15	8	3
	Vehicular Sale Display	15	8	3
	Externally Illuminated Sign Surface	5	1	NA
Inside the Rural Area but outside the Growth Area	Parking Lots	4	0.5	0.1
	Active Building Entrance	12	8	5
	Walkways/sidewalks on private land	4	0.5	0.1
	Under Service Station Canopies	10	5	2
	Vehicular Sale Display	10	5	2
	Externally Illuminated Sign Surface	3	1	NA
*In instances, where it is difficult for a development to meet the Minimum at Any Point or the Average Maximum at Any Point standards, the following illumination contrast ratios, in foot-candles, will be allowed: 1) the contrast ratio of the Maximum at Any Point to the Minimum at Any Point shall be 20:1 or less, and 2) the contrast ratio of the Maximum at Any Point to the Average Maximum at Any Point shall be 4:1 or less.				

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812.6 HEIGHT LIMITS

A. Pole-Mounting Limit

Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed the following height as measured from the finish grade:

- i. 35 feet for driveways, parking and transit areas.
- ii. 20 feet for walkways, plazas, and other pedestrian areas.
- iii. 15 feet for all other lighting.

B. Building/Structure-Mounted Limit

Light mounted onto buildings or other structures shall not exceed a mounting height greater than 4 feet higher than the tallest part of the building or structure at the place where the lighting is installed. With the following exceptions:

- i. Lighting for facades may be mounted at any height equal to, or less than the total height of the structure being illuminated.
- ii. For buildings, canopies, or overhang located less than 40 feet from the property line or the sidewalk or public right-of-way, outdoor lighting fixtures shall be mounted to the vertical façade or underside of canopies at 16 feet or less.

812.7 EXEMPT LIGHTING. The following types of outdoor lighting are exempt from the provisions of this Article.

Internally illuminated signs. However, it is required that all such signs should have “dark” backgrounds (opaque or colored) and “light” lettering (white or lighter colored than the background) so as to minimize glare or luminous overload.

Temporary lighting. Includes, but is not limited to, temporary lighting for theatrical, television, and performance areas; temporary holiday lighting provided that individual lamps are 10 watts or less; and temporary construction lighting used by government-funded projects to perform emergency or construction repair work, or to perform nighttime road construction on major thoroughfares. Temporary lighting per the National Electric Code shall not be in place for greater than 90 days otherwise is to be considered permanent and therefore meet the code requirements as set forth herein.

Safety. Exit signs, and lighting for egress pathway stairs and ramps.

Federal/State Required Lighting. Lighting required and regulated by the Federal Aviation Administration, U. S. Coast Guard, or other federal or state agency.

Street and Sidewalk Lights. Street lights within the public right-of-way and bridges.

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Single- and Two-Family Residential Properties. Obtrusive light (spill light) that creates glare, annoyance or obstructs visual ability is prohibited. There shall be no light trespass beyond the property line.

812.8 SPECIAL LIGHTING. Upon review and determination by the Administrator that the proposed outdoor lighting will not create unwarranted glare, glow, or light trespass, outdoor lighting not complying with the technical requirements of this Article may be installed for the following applications:

A. Recreation. Sport fields, stadiums, and specialized theme parks.

Water Features. Lighting in swimming pools, fountains, and other water features.

Church and Government. Public monuments, public buildings, and houses of worship.

Pole Mounting Height. Industrial areas where higher pole heights are required to avoid interference of vehicle with the pole assembly.

National and State Flags. The type of lighting fixture to illuminate National and State flags should be a narrow beam focused. Flag lighting within the Growth Area should be done with spot lights greater than 70 watts but less than 250 watts and within the Rural Area flag with a spot light greater than 40 watts but less than 100 watts.

B. Confinement of Light to Object. Outdoor lighting used to illuminate flags, statues, signs or other objects mounted on a pole, pedestal or platform, spotlighting or floodlighting used for architectural or landscape purposes, must use fully shielded or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated.

812.9 PROHIBITED LIGHTING

A. Mercury-Vapor Fixture and Lamps. The installation of any mercury-vapor fixture or lamp for use as outdoor lighting is prohibited.

Laser Source Light. The operation of laser source light or any similar high-intensity light for outdoor advertising is prohibited.

Searchlights. The operation of searchlights for advertising purposes is prohibited.

813 BUFFERS, SCREENING, AND LANDSCAPING STANDARDS

813.1 Purpose.

A. Protect existing trees, natural areas and features.

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B. Support visual screening and creation of privacy.

813.2 Applicability. In general this section applies to any of the following activities:

- A. The construction or erection of any new building or structure for which a development approval (building permit, Planning Board approval, etc.) is required.
- B. The enlargement of the exterior dimensions of an existing building or structure for which a development approval is required.
- C. The construction of a new parking lot or expansion of an existing parking lot.
- D. Unless otherwise stipulated the landscaping standards are not cumulative. For example, if both the yard buffer and parking buffer apply then the more stringent of the two shall apply.

813.3 Expansion. When a building, structure, or parking lot is enlarged, the buffer and landscape requirements apply on an incremental basis. This means that landscaping is required in the same proportion that the enlarged building area or off-street parking area has to the existing development (e.g., a 10% increase requires 10% of the required landscaping).

813.4 Exemptions. Unless otherwise specified, this section does not apply to the following uses:

- A. Single family attached or detached dwelling units.
- B. Agricultural and forestry uses taking place in the Industrial (I), Rural (R), and Drinking Water (DW) zoning districts.
- C. Commercial and industrial uses that abut other similar uses, respectively.
- D. Contiguous commercial or industrial parcels or land areas under common ownership.

813.5 Acceptable Landscape Materials.

- A. Plant materials shall comply with the minimum size requirements at the time of installation. Plant height shall be measured from the average grade level of the immediate planting area to the top horizontal plane of the shrub at planting.
- B. Planting areas should consist of permeable surface areas only.
- C. Each tree or shrub shall be planted at least 30 inches from the edge of any paved or impervious surface.

813.6 Minimum Planting Specifications Unless Otherwise Specified.

<u>Table 813.6 Minimum Planting Specifications</u>	
<u>Landscape Features</u>	<u>Minimum Caliper/Height at the Time of Planting</u>
<u>Deciduous Trees</u>	~ Single-trunk trees: minimum of 1.5 inches measured at 6 inches above grade. ~ Multi-trunk: minimum of 6 feet in height at the time of planting.
<u>Coniferous trees</u>	Minimum of 6 feet in height at the time of planting.
<u>Shrubs</u>	1 foot

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<u>Coniferous trees</u>	<u>Minimum of 6 feet in height at the time of planting.</u>
<u>Shrubs</u>	<u>1 foot</u>

813.7

Design. Plant materials may be arranged in a way to simulate natural growth pattern rather than spaced at regular intervals.

813.8 Fire Suppression.

- A. Landscaping, including but not limited to fences, screenings berms, trees, shrubs, and other plantings shall not visually or physically obstruct emergency equipment and personnel access to any sprinkler and standpipe connections and control valves, public and private fire hydrants and Knox Boxes.
- B. Landscaping shall be kept of to a minimum of 10 feet from compressed gas containers, cylinders, tanks, and systems.

813.9 Permitted Uses Within the Buffers. No active recreation area, storage of materials, parking or structure, except for necessary utility boxes and equipment, shall be located within the side and rear buffer yards. The buffer yard may be included in the required setback. For the purpose of this article berms are not structures.

813.10 Maintenance. Landscaping shall be maintained intensively for a minimum of two years to ensure the survival and establishment of all plant materials. The applicant will continue to maintain all landscaping in accordance with the approved plan for the life of the project. Dead and dying plantings shall be replaced as needed.

813.11 Waivers. The administrator may reduce or waive the standards, require keeping an existing stand of trees and/or require a fence, wall, or berm or any combination thereof, if the administrator finds that there would be no adverse impacts upon the neighboring properties resulting from the reduction of substitution.

813.12 Line of Sight. Landscaping shall not obstruct drivers' line of sight.

813.13 LOT LANDSCAPING STANDARD - DT AND U ZONING DISTRICTS

A. **Applicability.** This section applies to all commercial, industrial, and multi-family buildings and structures within the Downtown (DT) and the Urban (U) zoning districts. Lot landscaping should provide screening to mechanical equipment and stormwater relief, and complement streetscape design.

B. Exempt from this Standard.

- i. Buildings fronting on Main Street between the Union River and High Street.
- ii. If the total footprint of the building is less than 1,000 square feet.
- iii. If the front setback is less than 20 feet for buildings in the Downtown (DT) zoning district.
- iv. If the front setback is less than 30 feet for buildings in the Urban (U) zoning district.

C. Standard.

- i. The percentage of required landscaping area is calculated based on the size of the lot or parcel.
- ii. Downtown (DT) zoning district – if the front setback is more than 20 feet then the developer shall provide a minimum of 15% of landscaping area and/or low impact development cover excluding green roofs.
- iii. Urban (U) zoning district – if the front setback is more than 30 feet then the developer shall provide a minimum of 20% of landscaping area and/or low impact development cover excluding green roofs.

813.14 PARKING AREA BUFFER – ROAD, RESIDENTIAL USE AND LOADING AREAS

A. Applicability.

- i. For any parking lot located within the front yard and having 20 parking spaces or more.
- ii. For any parking lot abutting an existing residential use and having 20 parking spaces or more.
- iii. For any area used exclusively for the display of 20 or more motor vehicles for sale as part of an automobile dealership having a side or rear property line directly abutting an existing residential use.
- iv. For any type of vehicle fleet, automobile service establishment, vehicle storage, etc., having the ability to accommodate 20 cars or more and directly abutting an existing residential use.
- v. Loading areas abutting a road or an existing residential use.

B. Exemptions.

- i. Downtown (DT) zoning district.
- ii. For uses within the Industrial (I) zoning district except when having a side or rear property line directly abutting an existing residential use.

- iii. For any area used exclusively for the display of motor vehicles for sale as part of an automobile dealership fronting the road.

C. **Standard.** Between the street and existing residential uses and parking areas meeting the applicability threshold, the applicant shall have the following options:

- i. A 10-foot-wide minimum landscaped strip between a street and the parking lot, planted with a minimum of three trees and 25 shrubs for every 100 feet of road frontage, excluding driveway openings;
- ii. A berm that is at least two-and-a-half feet higher than the finished elevation of the parking lot with a maximum of a 3:1 slope planted with a minimum of 15 shrubs for every 100 linear feet of frontage; or
- iii. If existing woodlands are available, the applicant can preserve a 20-foot wide strip in lieu of the landscaping requirement along the frontage.

813.15 INTERIOR PARKING LOT.

A. **Applicability.** To provide visual breaks, shade, and stormwater management (low impact design) to parking lots with more than 25 parking spaces, as well as assist in defining circulation.

B. **Standard.**

- i. Interior islands shall contain shade trees based on a minimum ratio 1 tree and 3 shrubs for every 5,000 square feet of parking area. A minimum of 100 square feet of planting area shall be provided per every tree and three shrubs.
- ii. Parking lot island curbing shall have cuts to facilitate stormwater infiltration.
- iii. These landscape islands should be used to assist in defining circulation routes and separating traffic on site for safety as well as for aesthetic purposes.

813.16 REAR AND SIDE BUFFER – BETWEEN RESIDENTIAL AND NON-RESIDENTIAL USES.

A. **Applicability Rear and Side Buffers.** To provide landscaped and screening separation between existing residential and non-residential uses along the side or rear lot lines.

B. ~~B.~~ **Standard.** Existing trees and shrubs may contribute to achieving compliance with this standard when their existing locations, species, and sizes are indicated on the site plan, demonstrating that the minimum planting specifications of this Section are met.

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i. i. ~~Within the Urban Core;~~

- a. Minimum buffer width of 10 feet.
- b. ii. ~~Minimum of 8 trees per 100 linear feet of buffer.~~
- c. iii. ~~Minimum of 13 shrubs per 100 linear feet of buffer~~

ii. Outside of the Urban Core:

- a. Minimum buffer width of 50 feet.
- b. Minimum of 20 trees per 100 linear feet of buffer.
- c. Minimum of 20 shrubs per 100 linear feet of buffer.

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813.17 ROAD BUFFER – MANUFACTURING, INDUSTRIAL, AND HEAVY COMMERCIAL.

A. **Applicability.** To provide landscaped and screening separation between the road and heavy manufacturing, industrial, and heavy commercial uses as deemed needed by the Administrator for uses such as, but not limited to the manufacturing of asphalt, petroleum or lubricants; chemical products or hazardous substances; glass, clay, cement, concrete or gypsum products; rubber or plastic; leather, textiles or fabric; timber of wood products; fueling and maintenance facilities; road salt storage and loading area, large vehicle fleet storage; auto salvage or recycling; electricity generation or storage; hazardous waste treatment, storage or disposal; landfill; recycling facility; sewage treatment works; warehousing and mineral extraction.

Commented [EP2]: Note that this is already applicable to solar as a form of electricity generation—inserting electricity storage (batteries).

B. **Standard.** Existing trees and shrubs may contribute to achieving compliance with this standard when their existing locations, species, and sizes are indicated on the site plan, demonstrating that the minimum planting specifications of this Section are met. The developer ~~can choose to~~ may use plantings, fences/wall, berms or a combination thereof.

i. Plantings.

- a. Minimum buffer width of 50~~30~~ feet.
- b. Minimum of 20~~12~~ trees per 100 linear feet of buffer.
- c. Minimum of 20~~13~~ shrubs per 100 linear feet of buffer.

ii. Fences and Walls.

- a. Fences or walls may only be used outside the Ellsworth Urban Core Area.
- b. Fences or walls shall be 6 feet high when used to meet the buffer yard requirements.
- c. No fence or wall is required if an existing fence or wall on an abutting property meets the requirements of this section.

- d. The fence or wall shall be solid and 100% opaque. Corrugated and galvanized steel or metal sheets are not permitted.
- e. Walls may be concrete, concrete blocks, masonry, stone or a combination of these materials. The support posts shall be placed on and faced toward the inside of the developing property so that the surface of the wall or fence is smooth on the abutting property side.

iii. Berms.

- a. Berms shall have a slope not greater than the slope created in 3 horizontal feet with 1-foot vertical rise (3:1 slope).
- b. The berm shall be no greater than 6 feet in height above natural grade.
- c. Berms shall be constructed solely of soil, and shall not contain concrete, brick, tires, or other similar materials.
- d. To provide visual relief, any berms exceeding 10 feet in length shall be curvilinear and shall vary in height.
- e. For every 100 linear feet, there shall be planted at least three trees and 30 shrubs. Required trees and shrubs may be exchanged for one another with one tree ~~equalling~~ equalling five shrubs.
- f. The surface of the berm that is not planted with trees and shrubs shall be covered with grass, perennial ground cover, vines, and woody and herbaceous perennial, with mulch.

813.18 SCREENING OF TRASH RECEPTACLES.

Trash receptacles should be enclosed on all four sides by a continuous visual screen that matches or complements the principal use and surroundings. The screening shall be a minimum of 6 feet or the height of the receptacle, whichever is greater.

814 PUBLIC AND QUASI-GOVERNMENTAL TRAILER-ABLE BOAT LAUNCHING FACILITIES FOR THE DRINKING WATER ZONING DISTRICT.

814.1 All public and quasi-governmental trailer-able boat launching facilities providing access to Branch Lake shall comply with the following requirements:

- A. The facility shall be gated and locked during off-hours.
- B. The facility shall be supervised by an attendant during hours of operation.
- C. The facility shall be equipped with a boat wash-down facility for the sole purpose of washing down boats.

- D. The facility attendant shall conduct a boat inspection on all watercraft prior to entering Branch Lake.
- E. A boat inspection includes: a) a visual inspection of a boat, motor vehicle, trailer, marine engine, live well, bilge, bait bucket and all other related equipment to ensure that no aquatic invasive plants or animals are introduced into Branch Lake and b) a boat wash down.

815 STREET NAMING AND PROPERTY NUMBERING

815.1 Purpose. The Assessor shall establish and maintain a street naming and property numbering system. This is intended to minimize problems of identification for emergency management services and other public services and shall be subject to the requirements set forth in this section.

- A. All streets and properties shall bear a distinctive name and number in accordance with and as designated upon a Street Name and Property Number Designation Map on file with the City's Assessing Office. The Assessor or designee shall establish, maintain and keep current said map.
- B. The Assessor shall assign all such names and numbers as are necessary to maintain the system.
- C. In naming streets, the Assessor should avoid the use of the following:
 - i. Duplicate and similar-sounding names.
 - ii. Alphabetical letters.
- D. The Assessor shall assign numbers that are consistent with the United States Postal Services practices (i.e., even numbers on the left and odd numbers on the right).
- E. Numbers shall be affixed to the principal structures.
- F. Numbers shall be located on structures so as to be readily visible from and oriented toward the street from which the address is taken.
- G. For principal structures more than 50 feet from the street or otherwise not readily visible from the street due to trees, fences or other similar obstructions, there shall be placed and maintained a secure post at the structure's entrance upon which shall be affixed the designated number. Said post must also be readily visible but must not be placed in the right-of-way, and said post must be at least 4 feet in height. In lieu of said post, the number may be affixed to a mailbox.

- H. For multi-family or apartment complexes, the number shall be consistent with and displayed as outlined in sections E through G above. Each individual unit will be identified by a sub letter (i.e., Apartment A).
- I. Numbers shall be no less than 3 inches in height. Standard numbers shall be provided by the City upon the request of the homeowner.
- J. No person shall erect any street name sign or affix any street number different than those approved by the Assessor's Office.

816 WASTE MATERIAL ACCUMULATIONS REGULATED.

Deposits or accumulations of rubbish, junk, junk automobiles and parts thereof, discarded articles of any kind, household, industrial or commercial wastes shall not be made in any zoning district except at a dumping place or places designated as such by the City Council, provided, however, that nothing in this Article shall be construed to prohibit the establishment or operation of commercial junk yards and automobile graveyards as permitted under the terms of this ordinance.

817 MEDICAL MARIJUANA DISPENSARY

817.1 Purpose and Applicability. This Section is to establish standards for medical marijuana dispensaries and to regulate the cultivation and retailing of medical marijuana in a manner that protects the health, safety and welfare of the residents, merchants, and customers.

817.2 Authority. This section has been prepared in accordance with the provisions of Title 22, Chapter 558-C § 2421-2429 of the Maine Revised Statutes Annotated (M.R.S.A.), Title 30-A §3001, and the Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122).

817.3 Administration. This Section shall be administered according to all administrative and legal provisions of this ordinance with the following exception:

- A. For the establishment of a new dispensary, the re-location of an existing Ellsworth dispensary to a new location within the City of Ellsworth, or a change from cultivation facility to retail facility or vice versa, the project shall be reviewed by the Planning Board as a major use site development plan regardless of threshold factors such as but not limited to size or change of use that would ordinarily bring the review to the Code Enforcement level.

Approval of subsequent project phases by the Administrator shall only be given upon satisfactory completion of all approvals/permits pertaining to previous phases having been met.

817.4 Limit on Number of Dispensaries. There shall only be one dispensary within the City of Ellsworth and it shall operate from only one physical location.

817.5 Not-for-profit Corporation. A dispensary must operate on a not-for-profit basis.

817.6 Location.

- A. A dispensary shall not locate within 500 feet of the property line of the following pre-existing uses located within or outside the City of Ellsworth:
 - i. Public or private schools;
 - ii. Public facilities such as playgrounds, pools, parks, recreation facilities, and libraries;
 - iii. Substance abuse rehabilitation centers, correctional facilities, and homeless shelters;
 - iv. Places of worship; and
 - v. Day care.
- B. A dispensary may be located in a multi-occupant building unless one or more of the units are housing units.
- C. It is prohibited to co-locate an office that can issue a physician's written certification from the same premise as a dispensary.
- D. A dispensary shall not adversely affect health and safety of the nearby residents or businesses by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.
- E. A dispensary shall not have on-site display of marijuana plants.
- F. Only medical marijuana retail facilities shall sell paraphernalia used for the use or consumption of medical marijuana to registered patients or registered primary caregivers, as defined in the Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122).
- G. There shall be no window display.
- H. A dispensary shall be operated from a permanent location and shall not be permitted to operate from a moveable, mobile, or transitory location.

817.7 Zone. A dispensary is allowed only within the Urban (U), Industrial (I), and Commercial (C), zoning districts. A dispensary is strictly prohibited from all other zoning districts.

817.8 Cultivation. All cultivation of marijuana shall take place in a non-transparent secured building.

817.9 Parking. Dispensaries shall be prohibited from having off-site parking or satellite parking.

818. MEDICAL MARIJUANA PRIMARY CAREGIVER OPERATIONS

818.1 Applicability.

- A. Medical marijuana primary caregiver operations (cultivation, production, dispensing, and all related activities) outside the primary residence of the primary caregiver and collectives are prohibited in all zoning districts.
- B. Medical marijuana primary caregiver operations (cultivation, production, dispensing, and all related activities) at the primary residence of the primary caregiver are allowed in all zoning districts and shall comply with the Home Occupations section below.

818.2 Authority. This section and the terms used are in accordance with the provisions of and as defined in Title 22, Chapter 558-C § 2421-2429 of the Maine Revised Statutes Annotated (M.R.S.A.), Title 30-A §3001, and the Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122).

819 HOME OCCUPATIONS

819.1 Purpose and Findings.

- A. Established criteria for operation of home occupations in dwelling units;
- B. Ensures that such home occupations are compatible with adjacent and nearby residential properties and uses; and
- C. Allows residents of Ellsworth to use their residences as places to enhance or fulfill personal economic goals.

819.2 Applicability.

- A. Applies to any occupations, profession, or business activity customarily conducted entirely within a dwelling unit and carried on by a member of the family residing in the dwelling unit, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character of the dwelling unit. A home occupation is an accessory use to a dwelling unit.

- B. No home occupation, except as otherwise provided in this section, may be initiated, established, or maintained in the unit except in conformance with the regulations and performance standards set forth in this section. A home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes.

819.3 Exempt Home Occupations.

The activities listed below are not subject to this section, provided that all persons engaged in such activities reside on the premises:

- A. Artists, sculptors, and composers not selling their artistic product to the public on the premises;
- B. Craft work, such as, but not limited to, jewelry-making and pottery, with no sales permitted on the premises;
- C. Home offices with no client visits to the home permitted; and
- D. Telephone answering and message services.

819.4 Permitted Home Occupations in the Downtown, Industrial, Urban Neighborhood, and

Commercial Zoning Districts.

The following home occupations are permitted subject to the performance standards established in table 8198.7 Home Occupation Performance Standards by Zoning Districts:

- A. Accounting, tax preparations, bookkeeping, and payroll services.
- B. Baking and cooking.
- C. Catering.
- D. Child Care.
- E. Computer repair, systems design, and related services.
- F. Drafting services.
- G. Engineering, architecture, and landscape architecture.
- H. Financial planning and investment services.
- I. Fine arts studios.
- J. Hair salon, barbering, hairdressing, and other personal care services.
- K. Legal services.
- L. Musical instruction.
- M. Offices for professional, scientific, or technical services or administrative services.
- N. Photographic services.
- O. Professional services including the practice of law.
- P. Real estate services and appraisal.

- Q. Teaching of crafts.
- R. Tutoring.

819.5 Permitted Home Occupations in the Drinking Water and Rural zoning Districts.

The following home occupations are permitted subject to the performance standards established in table 819.7 Home Occupation Performance Standards by Zoning Districts:

- A. Accounting, tax preparations, bookkeeping, and payroll services.
- B. Baking and cooking.
- C. Catering.
- D. Child Care.
- E. Computer repair, systems design, and related services.
- F. Drafting services.
- G. Engineering, architecture, and landscape architecture.
- H. Financial planning and investment services.
- I. Fine arts studios.
- J. Hair salon, barbering, hairdressing, and other personal care services.
- K. Legal services.
- L. Musical instruction.
- M. Offices for professional, scientific, or technical services or administrative services.
- N. Photographic services.
- O. Professional services including the practice of law.
- P. Real estate services and appraisal.
- Q. Teaching of crafts.
- R. Tutoring.
- S. Medical/dental offices.
- T. Motor vehicle and engine repair.
- U. Furniture refinishing.
- V. Recording Studios.
- W. Animal grooming.
- X. Machine shop/metal working.
- Y. Retail sales.
- Z. Contractor and Trade shops.

819.6 Permitted Home Occupations in All Zoning Districts.

The following home occupations are permitted, subject to the performance standards established in table 819.7 Home Occupation Performance Standards, in all Zoning Districts:

- A. Medical marijuana primary caregiver operations (production, cultivation, dispensing, and all related activities).

In some cases, a home-occupation may have to comply with the Ellsworth Code of Ordinances Chapter 4, Fire Protection and Prevention. For more information, please contact the Ellsworth Fire Inspector at 669-6612.

819.7 Performance Standards.

All permitted home occupations shall comply with the criteria of Table 819.7 Home Occupation Performance Standards.

Table 819.7 Applicable Home Occupation Performance Standards by Zoning Districts and for Medical Marijuana (MJ) Primary Caregiver Operations*			
Performance Standards	DW and R	All Other zoning districts	MJ Primary Caregiver Operations
The use shall be clearly incidental and secondary to residential occupancy.	✓	✓	✓
The use shall be conducted entirely within the interior of the residence.	✓	✓	NA
Not more than 6 clients per day. Hours for visits shall be between 8:00 AM and 8:00 PM.	✓	✓	✓
Not more than 25% of the gross floor area of the principal dwelling structure shall be utilized for the home occupation.	✓	✓	✓
Music, art, craft, or similar lessons are permitted (12 or few clients per day).	✓	✓	NA
Child care (maximum of 6 children) is permitted.	✓	✓	NA
Storage of goods and materials shall be inside and shall not include flammable, combustible, or explosive materials.	✓	✓	✓
Off-street parking shall be provided.	✓	✓	✓
Outside storage of heavy equipment or material shall be prohibited.		✓	✓
Mechanized equipment shall be used only in a completely enclosed building.		✓	✓
Electronically amplified sounds shall not be audible from adjacent properties or public streets.	✓	✓	✓

No generation of dust, odors, noise, vibration, or electrical interference or fluctuation shall be perceptible beyond the property line.	✓	✓	✓
Deliveries and pickups shall be those normally associated with residential services, shall not block traffic circulation, and shall occur between 8:00AM and 8:00 PM.	✓	✓	✓
*Medical marijuana primary caregiver operations are allowed, as home occupations, in all zoning districts.			

819.8 Outdoor Storage

- A. Storage shall be limited to materials related to the business.
- B. Materials shall not be stacked to a height exceeding 4 feet and shall not be visible from the public right-of-way or adjacent lot or parcel occupied by a residence. Any screening required to comply with this subsection shall use wood or masonry fencing or a vegetative hedge;
- C. The storage shall not create any smoke, odors, dust, or noise at a level discernible at any of its lot lines; and
- D. The minimum lot size for outdoor storage shall be 2 acres. In no event shall a home occupation be established on a lot that is nonconforming as to the minimum lot size.

819.9 Accessory Buildings. Where a home occupation is conducted in an accessory building, such accessory building shall not exceed the square footage of the footprint of the dwelling.

819.10 Employees. The family member conducting the home occupation may employ at the dwelling a maximum of two nonresident employees to assist in the home occupation. There shall be a maximum of 5 workers including family members.

819.11 Unsafe Home Occupations. If any home occupation has become dangerous or unsafe; presents a safety hazard to the public, pedestrians on public sidewalks, or motorists on a public right-of-way; or presents a safety hazard to adjacent or nearby properties, residents, or businesses, the Code Enforcement Office shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken, directing that the home occupation immediately be made safe or terminated. In the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Code Enforcement Officer may take any and all available enforcement actions to render the home occupation and dwelling safe. Costs incurred by the Code Enforcement Officer, if forced to take enforcement actions, shall be borne by the property owner and shall be treated as a zoning violation. Safety concerns pertaining to medical marijuana caregiver operations are outside the jurisdiction of the Ellsworth Code Enforcement officer and shall be reported to the Ellsworth Police Department and/or the Maine Department of Health and Human Services, Maine Center for Disease Control and Prevention.

820 MOBILE HOME PARK STANDARDS

- 820.1 Purpose.** This Section is intended to promote public health, safety and welfare; to establish standards for Mobile Home Park construction and maintenance; to create construction standards and other regulations of Emergency Mobile Home Parks; and to provide a wholesome community environment. This section is supplementary to the Ellsworth *Subdivision Ordinance*.
- 820.2 Applicability.** This Section shall apply to all Mobile Home Parks in the City of Ellsworth, Maine. The term “Park” when used herein refers to Mobile Home Parks, as defined. The term “Site” when used herein refers to a Mobile Home Site, as defined.
- 820.3 Zoning Districts.** Mobile Home Parks are allowed only in the Rural (R) zoning districts. Emergency Mobile Home Parks are allowed within any Land Use District other than districts within the Shoreland Zone.
- 820.4 Authority.** This Section is enacted pursuant to 30-A M.R.S.A., Section 4358 Regulation of Mobile Home, *etc.* Seq.
- 820.5 Supplementary Document.** Except as stipulated in this Section, Mobile Home Parks must meet all of the applicable requirements for a residential subdivision, and must conform to all applicable state laws and city ordinances. Where the provisions of this Section conflict with specific provisions of the Ellsworth Subdivision Ordinance provisions of this Section prevail. In particular, Subdivision “Lot” design requirements do not directly apply as Mobile Home “Site” design requirements, which are specified herein and Mobile Home Parks are not reviewed as “cluster” subdivisions.
- 820.6 Administration.** This Section shall be administered according to all applicable procedures, penalties, remedies and legal provisions stated in the Ellsworth Subdivision Ordinance and the supplementary provisions stated in this Section.
- 820.7 Planning Board Review.** Proposed Mobile Home Parks, expansions of the number of home sites within a Park or any proposal classified by the Code Enforcement Officer as a major use site development must first be reviewed and approved by the Ellsworth Planning Board in accordance with this Section, the Subdivision Ordinance and any other applicable City ordinances.

820.8 Submittal. A signed Land Development Permit application to construct a Mobile Home Park shall be submitted to the City Planner with the fee and applicable documentation required by the Ellsworth Subdivision Ordinance. Plans for review shall conform to applicable requirements of the Ellsworth Subdivision Ordinance. Number of copies shall conform to Article 6 Site Development Review Section 602.7.

820.9 Fee. To defray administrative expenses, plans shall be accompanied by a fee in the form of a check payable to the City of Ellsworth. Mobile Home Sites shall be considered subdivision lots for calculating these fees per the Ellsworth Subdivision Ordinance. No fee is required for an Emergency Mobile Home Park.

820.10 The Final Plan shall be certified by a design professional registered in the State of Maine and shall comply with all applicable City Ordinances. The approved, signed park plan must be filed with the City and recorded at the Registry of Deeds within 90 days of signing. It must include notes or conditions of approval as well as a description of the type of ownership and provisions for management and maintenance of the Park.

820.11 Building Permits. Following Planning Board approval, building, plumbing and electrical permits may be issued by the Ellsworth Code Enforcement Officer.

820.12 Occupancy Permit. No Mobile Home Park hereafter constructed or expanded shall be used or occupied until a Certificate of Occupancy has been issued by the Code Enforcement Officer certifying that the Park complies with this Section.

820.13 Conversion. No Mobile Home Park may be converted to another use without the approval of the Planning Board.

820.14 Mobile Home Park Management.

- A. **Compliance.** A Mobile Home Park shall conform to City ordinances and to the rules and regulations of the State of Maine Department of Health and Human Services relating to mobile homes.
- B. **Responsibility.** The Mobile Home Park management shall inform park occupants about DHHS rules and clearly indicate the occupants' responsibilities under them.
- C. **Registration.** Mobile Home Park management shall maintain a register of Park occupants containing names, site numbers and E-911 street numbers. The register shall be available for inspection by Federal, State and City authorities upon request during normal business hours.

- D. **Utilities.** Park management shall supply utility connections to mobile home sites. Homes shall be hooked up by professionals with proper City permitting.

820.15 Mobile Home Park General Design Standards.

- A. **Applicability.** The construction or expansion of a Mobile Home Park and its facilities shall conform to the design standards of this section and other applicable regulations.
- B. **State Regulations.** A Mobile Home Park shall conform to 30-A M.R.S.A., Section 4358 Regulation of mobile homes.
- C. **Park Boundaries.** A Park shall consist of a single parcel of land meeting the minimum lot size requirements in the Rural (R) zoning district and all standards set forth in this section.
- D. **Site Layout.** Each mobile home shall be placed on its own site with accessways and other amenities shown on the approved Mobile Home Park Plan meeting all standards to follow in this section. Mobile home sites shall be oriented in regard to natural features where practical.
- E. **Site Identification.** Each mobile home site shall prominently display a street number supplied by the City's E-911 Coordinator.
- F. **Density.** Mobile Home Park shall be allowed to exceed the maximum Net Residential Density permitted in its zoning district per Article 3 Zoning Districts as long as the provisions of this Section are met.
- G. **Landscaping.** Wooded areas and individual trees shall be preserved where practical. Vegetative cover such as grass shall be provided for land area not paved, graveled or occupied by a structure. Other planting shall be established to create an attractive setting for mobile home, promote privacy, minimize glare, and provide shade.
- H. **Buffering.** Vegetative screen shall be used to create a dense visual barrier around the park perimeter and around areas such as refuse storage enclosures and nonresidential areas. Screens should be coniferous trees or shrubs such as white cedar, balsam fir and spruce, since these provide a year-round buffer. If conditions are not suitable for planting coniferous screens, solid fencing not less than 6 feet high may be used.
- I. **Buffer Strip.** A fifty-foot wide vegetated buffer strip (minimum) shall be provided along all property boundaries that abut residential land with a zoned density of less than half of the proposed Mobile Home Park density. No structures, buildings or utilities may be placed in the buffer strip, except that utilities may cross a buffer strip to provide services to a Mobile Home Park.
- J. **Open Space.** Mobile Home Parks shall provide a suitable, accessible common space for recreation equal to 10% of the total space for individual sites. The area required for a common wastewater disposal system may be counted only if it will be suitably landscaped for recreational purposes.
- K. **Infrastructure.** See 820.18 Mobile Home Park Infrastructure Standards.

820.16 Mobile Home Site Standards

- A. **Dimensions.** Mobile Home Sites shall meet the minimum requirements as described in Table 820.16A Mobile Home Site Standards.

820.16A Mobile Home Site Standards		
Type of Mobile Home Site	Minimum Area*	Minimum Width
Site contains no well or septic system	6,500 square feet	50 feet
Site contains drinking water well	12,000 square feet	75 feet
Site contains septic system	20,000 square feet	100 feet
Note: To be included in a Mobile Home Park, a Mobile Home Site shall be served by either a centralized domestic water system or a centralized sewer system or by both.		
*Land within wetlands, flood plains or easements shall not count toward the Minimum Area of a Mobile Home Site.		

- B. **Site coverage.** Enclosed buildings on a site shall not exceed 30% of the site area.
- C. **Depth.** A home site shall be deep enough to provide for minimum structure setbacks and for minimum area requirements in this Section.
- D. **Structure Setbacks.** Minimum setback distances for structures within Mobile Home Parks shall comply with the requirements in Table 820.16B Mobile Home Park Structure Setbacks.

820.16 B Mobile Home Park Structure Setbacks	
Location	Structure Setback Minimum Distance
Park accessway right-of-way line	20 feet (front yard setback)
Side or rear Mobile Home Site line	15 feet (side or rear yard setback)
Mobile Home Park boundary line or street right-of-way line (same as required for the Rural (R) zoning district)	40 feet (front yard setback)
	15 feet (side yard setback)
	30 feet (rear yard setback)

820.17 Mobile Home and Accessory Structure Standards.

- A. **Building Permits.** A building permit is required prior to construction or home installation in a Mobile Home Park. Plumbing or electrical permits are also needed. A written permit is also required for removing an installed mobile home from a Mobile Home Park.
- B. **Tax Certificates.** A mobile home shall not be removed from a site until a written certificate is obtained from the tax collector of the City of Ellsworth identifying the mobile home and stating that all property taxes applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from such taxation.
- C. **Home Standards.** At a minimum, homes shall conform to the Mobile Home Standards of the State of Maine. Mobile homes shall have a minimum living space of 500 square feet.

- D. **Home Pads.** A mobile home shall be set upon a mobile home pad consisting of at least a 12 inch thickness of gravel base material. Concrete or other durable pads approved by the Planning Board may be used. The width and length of the mobile home pad shall at least match the dimensions of the mobile home placed upon it.
- E. **Skirting.** The vertical space from the mobile home pad to the mobile home frame shall be enclosed with a durable material.
- F. **Accessory structures** such as a garage shall be allowed upon mobile home sites provided the structure meets the provisions of these ordinances and all other applicable regulations.
- G. **Utility Buildings.** Each occupied mobile home site shall be provided with an accessory building with a minimum size of 64 square feet.
- H. **Screening.** Fuel tanks, bottled gas, dumpsters and other utility structures shall be placed in such a way that they are screened and protected from roadways.
- I. **Ruins.** Ruins caused by fire or other causes are not allowed within a Mobile Home Park. If ruins are created, such ruins shall be removed within 60 consecutive calendar days from the time of their creation.

820.18 Mobile Home Park Infrastructure Standards.

- A. **Accessways.**
 - i. **Responsibility.** Accessways within the Park shall be constructed, maintained and serviced by the Mobile Home Park management, including snow removal.
 - ii. **Design Standards.** Accessways serving home sites within the Park shall, at a minimum, conform to Site Road provisions of City of Ellsworth Chapter 56, Article 9 Street Design and Construction Standards. Accessways serving other uses shall conform to the appropriate Street Type classification in Article 9.
 - iii. **Connections.** Any park, proposed to generate average daily traffic of 200 trips per day or more must have at least two emergency access connections to public streets.
- B. **Lighting.** Streets and intersections shall be illuminated consistent with section 812 Exterior Lighting Standards exterior lighting standards.
- C. **Electric Supply**
 - i. **Design.** A Mobile Home Park shall contain an electrical system designed by an Electrical Engineer registered in the State of Maine. The system shall be installed and maintained in accordance with applicable State and City regulations. Electric substations, transformers, transmission lines, distribution line and meters shall be located or screened in such manner that they are not unsightly or hazardous.
 - ii. **Distribution.** Electrical distribution lines within the Mobile Home Park may be installed overhead or underground. All underground lines shall be protected by a rigid conduit or encased in concrete.
 - iii. **Services.** Electric service lines to each mobile home, accessory buildings, and Mobile Home Park service buildings shall be underground. The service lines shall be enclosed in a rigid conduit or encased in concrete.

- D. **Exterior Lighting.** Exterior lighting installed on a mobile home or mobile home site shall be installed such that it is not directed toward surrounding property, streets or other mobile home sites or the sky. It shall be consistent with section 812 Exterior Lighting Standards.
- E. **Fire Protection.** Water supplies for firefighting shall comply with Chapter 4 Fire Prevention and Protection Ordinance.
- F. **Parking.** At least two off-street parking spaces shall be provided for each mobile home site at a distance less than 100 feet from the home it serves. Off-street parking spaces shall be constructed with a minimum thickness of six inches of gravel base material. Such parking space shall have a minimum dimension of 9 feet width by 20 feet length.
- G. **Refuse.**
- i. The park management shall provide occupied mobile home sites with a conveniently located, watertight, vermin-resistant enclosure for refuse storage.
 - ii. Storage of refuse shall be enclosed to prohibit access by animals and to minimize health hazards, rodent harborage, insect breeding areas, accidents, wild fire, obnoxious odors or air pollution.
 - iii. Collection of refuse at regular intervals shall be the responsibility of the park management and shall be according to State of Maine and City regulations.
- H. **Signs.** Signs shall be consistent with the City of Ellsworth Sign Ordinance.
- I. **Stormwater.** A Mobile Home Park shall provide a surface water drainage system conforming to applicable provisions of Article 10 Stormwater Design and Construction Standards.
- J. **Wastewater Disposal.**
- i. Wastewater disposal systems shall comply with the Maine State Plumbing Code and be designed and installed under the direction of a Maine licensed professional.
 - ii. A Mobile Home Park located within 500 feet of a public sewer system shall provide an internal sewer system connected into the public system, per the Ellsworth Code of Ordinance Chapter 5 Sewer Ordinance. Any and all expenses incurred will be borne by the developer.
 - iii. Where public sewer is not available, a sanitary sewer system designed by an engineer or septic systems designed by a Licensed Site Evaluator shall be provided.
 - iv. Wastewater disposal systems serving the Mobile Home Park shall be constructed and maintained under the responsibility of the park management.
- K. **Water Supply.**
- i. Each mobile home shall be provided with an adequate, safe, potable water supply of at least of 90 gallons per day per bedroom.
 - ii. Water supply systems shall be installed and maintained in accordance with the State of Maine Plumbing Code.
 - iii. The Administrator may require a hydrogeologic assessment in cases where site considerations or development design indicate potential of adverse impacts on ground water quality or supply.

- iv. A Mobile Home Park located within 200 feet of a public water main shall provide a water system connected into the public system. Any and all expenses incurred will be borne by the developer.

820.19 Emergency Mobile Home Parks.

- A. **Purpose.** Emergency Mobile Home Parks may be constructed for mass emergency housing in the event of a natural or man-made disaster.
- B. **Permitting.** An Emergency Mobile Home Park construction permit shall be issued for one year and may be extended for terms of six months as needed. The Ellsworth Code Enforcement Officer shall be responsible for granting or denying the permit.
- C. **Plan Submittal.** A plan drawing showing the Emergency Mobile Home Park shall be submitted to the Ellsworth Planning Board within 60 calendar days after issuance of the Emergency Mobile Home Park Construction Permit.
- D. **Standards.** Maximum effort must be made to adhere to all Design Standards of this Section and all City Ordinances. However, since time is important in establishing an Emergency Mobile Home Park, facilities may be installed in a temporary manner provided that the public health and safety is not imperiled.
- E. **Location.** Emergency Mobile Home Parks are allowed within any zoning district other than districts within the Shoreland Zone (Article 4).
- F. **Temporary Use.** An Emergency Mobile Home Park shall not be converted to a permanent Mobile Home Park unless all provisions of this ordinance are met.

821 YARD SALES

For purposes of this section, a yard sale means a public sale at a dwelling at which personal items belonging to the residents of the dwelling are sold. Yard sale includes garage sales, porch sales, tag ~~sales~~ sales, and the like. Items purchased elsewhere expressly for resale at a yard sale are prohibited. Commercial outdoor sales activities are prohibited. Yard sales exceeding three consecutive days or held more frequently than three times in a calendar year will be considered a commercial use and require a Site Development Plan review.

822. VISIBILITY TRIANGLE

822.1 Visibility Triangle. In all zoning districts, with the exception of Downtown, no obstruction taller than 3 feet which obscure the view of automobile drivers shall be placed on any corner lot within a visibility triangle area as defined below in section 822.2.

822.2 Measuring the Visibility Triangle. The visibility Triangle is a triangular area of land on a lot formed by drawing from the edge of the travel way one line perpendicular to and one line parallel to the property line or accessway for a specified length and one line diagonally joining the other two lines per the illustration below using as an example the intersection of a residential street with a commercial road. The specified length of the perpendicular and parallel lines is dependent on the types of intersecting accessways as shown in Table 822.2 below.

Table 822.2 Length of Visibility Triangle Perpendicular and Parallel lines in feet per intersecting Accessway Types
(per Article 9 Street Design and Construction Standards)

	Transit and Regional	Rural	Retail	Mixed Use & In town	Commercial	Alley	Residential	Private Residential	Site	Commercial driveway	Residential driveway
Transit and Regional	25*	25*	25*	25*	25*	10	25*	10	10	10	10
Rural	25*	25*	25*	25*	25*	10	25*	10	10	10	10
Retail	25*	25*	25*	25*	25*	10	25*	10	10	10	10
Mixed Use & In-town	25*	25*	25*	25*	25*	10	25*	10	10	10	10
Commercial	25*	25*	25*	25*	25*	10	25*	10	10	10	10
Alley	10	10	10	10	10	10	10	10	10	10	10

Residential	25*	25*	25*	25*	25*	10	25*	10	10	10	10
Private Residential	10	10	10	10	10	10	10	10	10	10	10
Site Road	10	10	10	10	10	10	10	10	10	10	10
Commercial Driveway	10	10	10	10	10	10	10	10	10	10	10
Residential Driveway	10	10	10	10	10	10	10	10	10	10	10

*In the Urban, Industrial, Business Park, and Commercial zoning districts, that measurement is 15 feet.

822.3 Exception. In certain situations such as, but not limited to, a signalized intersection or if the slope allows for adequate visibility, the administrator may allow an obstruction taller than three feet to be located within the visibility triangle if it is demonstrated that safety is not impacted.



Performance Standards: (added to the end of Chapter 56, Article 8)

Commented [EP3]: Appears to be draft text from 2020 amendments

823 Solar Energy Systems (SES).

Solar Energy Systems, whether ~~(stand-alone or accessory.)~~ are energy-collecting structures composed of impervious components and are subject to all applicable regulations as such, except as otherwise provided for below. Applicants need to shall describe how their systems are designed to perform in order to satisfy the intent of applicable regulations.

823.1 Application Permit Fees and Level of ReviewLevel of Review, Application, and Fees.

A. Level of Review. Classification of projects and level of review shall be as required by Article 6, Site Development Plan Review. The amount of impervious surface created by a SES shall be determined as described in this section.

Chapter 56 Unified Development Ordinance
Article 8 Performance Standards

B. Application and Submission Requirements. Applications for SES shall follow the procedures established by Article 2, Plan Approval and Permitting Procedures, and Article 6, Site Development Plan Review. All information required to ensure the performance standards of this section are met shall be depicted on the plan, supported with plan notes or narrative materials as needed. Application fees shall be based on the total area of the solar panels calculated for lot coverage as described below, plus the floor area of any proposed buildings. ~~The disturbed area portion is~~Site disturbance fees are calculated separately as usual.

~~Permit fees for solar panels are based on the Electrical Code. All Medium-Scale and Large-Scale SES shall be reviewed by the Planning Board as Major Use Site Plan Developments.~~

823.2 Height. Solar panels up to three feet above a roof on which they are mounted may be ignored in building height measurements unless the panels block a scenic view or create a nuisance condition. Dimensional Requirements. Dimensional requirements, including but not limited to front, rear, and side property line setbacks, apply to all structural components of SES.

Commented [EP4]: Edited for clarity. Nuisance condition is vague and Comp Plan contains no identified scenic views.

A. Height. For the purposes of determining building height when SES are mounted on a building roof, the first three feet of additional height contributed by the SES shall be excluded.

B. Lot Coverage. Portions of SES may be exempted from lot coverage standards as follows. If SES are located over live ground cover with sufficient space between the panels and above the ground to allow sunlight for vegetation to grow, half the area of the panels shall be considered structure area for the purpose of calculating lot coverage.

823.3 Buffers, Screening, and Landscaping. Buffer, screening, and landscaping standards of Sections 801 and 813 apply. Existing vegetation shall be preserved to meet buffering, screening, and landscaping standards insofar as is practicable. SES components shall be located far enough from all buffers, screening, and landscaping to ensure that existing and/or proposed trees and shrubs will not shade the SES upon reaching maturity.

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A. Fencing. Where fencing is desired or required by other codes, fences shall maximize the ability of small wildlife to pass through. At a minimum, this shall mean that perimeter fencing is elevated at least five inches above the ground, and in at least two corners of the enclosed area, wooden poles of at least five inches in diameter will be installed to provide a means for wildlife to escape the enclosed area.

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823.4 Establishment and Maintenance of Vegetation. The establishment and maintenance of new vegetation is of particular concern where SES are proposed on previously undeveloped land or in close proximity to a waterbody. SES proposed to be located entirely over existing impervious surface shall be exempt from the below standards. Those to be located over new impervious surface, or proposed to share

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space in conjunction with an agricultural use, may be found exempt from some or all of the below standards at the discretion of the Administrator.

- A. All disturbed areas that are not developed with impervious surfaces or planted to meet buffer, screening, and landscaping standards shall be revegetated with seed mixes or plantings appropriate to the soil types and environments found throughout the site, emphasizing a range of native perennial grasses, sedges, legumes, and/or wildflowers, and providing for erosion and sedimentation control as well as heat/drought tolerance and wildlife habitat value. The application of herbicides, fungicide, or pesticides is prohibited, and may be subject to additional penalties if occurring within the Public Water Supply Protection Area.
- B. Applicants shall consult with the City of Ellsworth Watershed Steward and Code Enforcement Officer during the Technical Review process to establish a timeline of inspections to ensure proper grading, erosion and sedimentation, and seeding procedures as well as the successful establishment of vegetation. The agreed-upon inspection timeline shall cover a period of no fewer than two years post-construction and shall be noted on the final site plan.
- C. Vegetation management, if necessary, shall be accomplished only by mechanical means. The application of herbicides, fungicides, or pesticides is prohibited, and may be subject to additional penalties if occurring within the Public Water Supply Protection Area.

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~~823.1 Lot Coverage. Solar energy systems or portions thereof may be exempted from lot coverage standards. Roof top systems do not count further towards lot coverage. If SES are located over live ground cover with sufficient space between the panels and above the ground to allow sunlight for vegetation to grow, half the area of the panels would be considered structure area for lot coverage calculations due to sharing of the space.~~

Commented [EP5]: This is obvious/redundant. Relocated to 823.3.B above and revised.

~~823.2 Setbacks/buffers. Front, rear and side property line setbacks of Tables 308 and 409.2 apply to structural components. Buffer, screening and landscaping standards of Sections 801.5 or 813 also apply but low lying shrubs may be used to replace tree requirements where trees would shade the panels from sunlight.~~

Commented [EP6]: Relocated and revised above.

~~823.3~~ 823.5 Stormwater. Article 10, Stormwater Management Design and Construction Standards applies may apply. Solar energy systems or portions thereof may be considered partially pervious if they If SES are constructed over a pervious ground surface with sufficient space between the panels to allow rainwater to flow through with provision for dispersion of the water on the ground without channeling, only the surface area of racking foundations, roads, and other non-SES panel structures will be considered impervious for stormwater calculations. In some cases, only the area of support footings would be considered impervious for stormwater calculations.

~~823.4~~823.6 **Safety.** Solar Energy System installations are regulated through the National Fire Protection Association NFPA 850 and NFPA 70 Electrical Code. For example, fencing is required for larger ground systems and dead load structural analysis is required for rooftop systems. ~~In addition, The~~ locations of emergency access ways and of all means of shutting down the system shall be clearly marked on the site plan ~~for all SES projects.~~

~~823.5~~823.7 **Signage.** ~~Signs shall be installed at medium-scale and large-scale ground mounted Stand-alone SES shall provide signage that shall~~ identifying the system's owner and ~~provide~~ a 24-hour emergency contact phone number.

~~823.6~~823.8 **Operations, Maintenance, and Decommissioning Plan.** Applicants for ~~medium-scale and large-scale systems stand-alone SES requiring major use site development plan review~~ shall submit a plan pursuant to Section 825 ~~of this Ordinance.~~

824 Energy Storage System (ESS). There are many types of ESS technologies, which may be accessory or stand-alone installations. They are regulated by State and Federal authorities. For example; batteries, which are filled with hazardous materials are regulated through the National Fire Protection Association NFPA 111, NFPA 855, NFPA 1 Fire Code Chapters 11 and 52, and NFPA 70 Electrical Code. Site plans shall clearly indicate locations of ESS, access ways and signage identifying the owner and a 24-hour emergency contact phone number. Applications shall include all means of disabling the system in the event of an emergency. Stand-alone systems shall submit an Operations, Maintenance and Decommissioning Plan per Section 825 ~~of this Ordinance.~~

825 Facility Operations, Maintenance, Decommissioning and Abandonment.

825.1 **Applicability:** This section outlines plans for facility operations, maintenance and decommissioning, ~~where specifically required by provisions of this ordinance or where ordered at the discretion of the Administrator. These plans shall be provided for all SES requiring major use site development plan review. Grounds for requiring a proposed facility to provide these plans by the Administrator include those The Administrator may also require these plans to be provided for approval of facilities serving specialized industries with limited re-use potential for improvements, those with known substantial obsolescence, and/or the presence of those where~~ significant amounts of hazardous materials ~~will be present.~~ Abandonment procedures are activated by conditions described below.

~~825.1~~825.2 **Operations, Maintenance and Decommissioning Plans shall include:**

- A. 24-hour emergency contact name, title, and phone number.
- B. Procedures for safe access and shut down by emergency responders.

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- C. General maintenance schedule for the facility, including a removal/replacement plan for major components during the lifespan of the facility.
- D. A-Decommissioning Plan.-All SES or ESS requiring major use site development plan review, except for SES subject to the solar energy development decommissioning requirements of Title 35-A MRSA Chapter 34-D, shall submit a decommissioning plan that shall include the following elements. SES subject to the solar energy development decommissioning requirements of Title 35-A MRSA Chapter 34-D shall provide copies of the decommissioning plan submitted to the environmental permitting agency. For those projects not subject to the requirements of Chapter 34-D, a decommissioning plan following the U.S. Department of Energy, Office of Energy Efficiency & Renewable Energy, with respect to scope of work and cost estimates shall be considered sufficient to meet the requirements of items ii through v below.:
- ~~i. An estimated date of decommissioning of the proposed facility, based on the average life span of the major components that would need to be removed per below.~~
 - ii. Provisions for the removal from the site of all structures, equipment and systems. ~~that are not demonstrated to have potential continued use.~~
 - iii. Provisions for the disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - iv. Provisions for the stabilization and re-vegetation of the site as necessary to minimize erosion.
 - v. An estimated cost to implement the decommissioning plan at the estimated date of decommissioning, ~~accounting for the anticipated sale of usable components and scrap from the facility along with narrative explanation of the methods used to calculate all estimates-~~
 - ~~vi. Provision of Financial Assurance of Performance per below.~~
 - ~~vii. Financial Assurance of Performance~~
 - vi. Based Financial Assurance of Performance. Based on the estimated cost to implement the decommissioning plan at the estimated date of decommissioning, the Applicant shall demonstrate in the form of a performance bond, surety bond, letter of credit, parent company guarantee or other form of financial assurance as may be acceptable to the Administrator that upon the end of the useful life of the facility, the Applicant will have the necessary financial assurance in place for 100% of the total cost of decommissioning. The funds for decommissioning must also be securely made available for use by the City of Ellsworth in the event of abandonment per below. Financial assurance provisions must be noted on the final site plan and must be transferred with the development if it is sold. The Financial Assurance of Performance and

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Decommissioning Plan shall be reviewed by the City's attorney before execution.

825.1825.3 Abandonment Provisions:

- A. A facility ~~under the authority of this Section 825~~subject to the decommissioning plan requirement shall be considered abandoned after it ceases to function according to its intended use for more than one year. Determination of abandonment shall be made in writing by the Code Enforcement Officer.
- B. If the owner or operator of the Facility fails to carry out the ~~d~~Decommissioning plan within one year of a written determination of abandonment or the proposed date of decommissioning, whichever occurs first, the City retains the right to use any and all legal and available means necessary to ~~de~~decommission the system(s) at the owner/operator's expense.

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